

1999 DRAFTING REQUEST

Bill

Received: **11/17/98**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Terminology used in state civil service system

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	champra 11/20/98	gilfokm 11/27/98	martykr 11/30/98	_____	lrb_docadmin 11/30/98		
/1	champra 05/7/99	jgeller 05/7/99	jfrantze 05/7/99	_____	lrb_docadmin 05/7/99	lrb_docadmin 05/7/99	

FE Sent For:

<END>

Not Needed

1999 DRAFTING REQUEST

Bill

Received: 11/17/98

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies:

Topic:

Terminology used in state civil service system

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	champra 11/20/98	gilfokm 11/27/98	martykr 11/30/98	_____	lrb_docadmin 11/30/98		

FE Sent For:

1/1 5/7 jlg to 5/7 to 5/7
<END>
5/7

for Senate

11/17/98 12:09:48 PM
Page 1

1999 DRAFTING REQUEST

Bill

Received: **11/17/98**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies:

Topic:

Terminology used in state civil service system

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/7	champra	PI-11-27-98 JCG	km 11/30	ch 11/30	yes		

FE Sent For:

<END>

November 13, 1998

Dear LRB Drafter, *Rich*

It's Law Revision time again. Actually, we're sending stuff over quite a bit earlier this time around. Gordon Anderson and I met with the LRB Team Leaders earlier this week regarding Law Revision issues. Our goal for the LRC for the upcoming session is to get as much of this out of the way as possible before the budget passes. Obviously, we understand that this may or may not be possible depending on the drafting workloads that each of you are confronted with, but to the extent we can accomplish this, it would be great.

Therefore, we'd like these drafts back by February if possible, but the sooner the better. Then we can insert our SECTION notes and present them to the LRC for review and vote. Please draft each agency item as a separate draft at this time. The approved drafts will be combined into one bill after the LRC meets. For re-introductions of last year's drafts that didn't pass, just keep the drafts as is.

We've pre-screened all of these and have crossed out the ones we won't be presenting to the LRC. Just draft the ones that aren't crossed out.

One final thing – these should all be drafted with the LRC's boilerplate prefatory note, and the end of the relating clause should read: "(suggested as remedial legislation by the [department name here])".

Please call me at 266-9791 or Gordon at 266-2230 if you have any questions.

Thanks,

Laura Rose
Leg. Council

State of Wisconsin

Tommy G. Thompson
Governor

Jon E. Litscher
Secretary



137 East Wilson Street
P.O. Box 7855
Madison, WI 53707-7855
Phone (608) 266-9820
FAX (608) 267-1020

DEPARTMENT OF EMPLOYMENT RELATIONS

DATE: November 5, 1998

TO: Laura Rose
Law Revision Committee
Legislative Council

FROM: Jon E. Litscher, Secretary

SUBJECT: Remedial Legislation

The Department of Employment Relations requests that two remedial proposals be introduced for consideration by the Law Revision Committee. The Department has submitted drafting instructions to the Legislative Reference Bureau. If there are any questions, please contact Bob Van Hoesen at 267-1003, 267-1020 (fax) or by e-mail at bvanhoes@mail.state.wi.us.

ITEM I The Department requests re-introduction of 1997 AB 958, a remedial bill from the last session which did not pass. A copy is attached as Attachment 1. However, several changes need to be made to the 1997 proposal:

1. Section 2 of the bill (amendments to s. 230.05 (2)(a)) has already been enacted in another remedial bill from last session offered by the Personnel Commission (1997 Wisconsin Act 216). This section can be omitted from the 1999 bill.
2. Section 4 of the bill: the existing language affected by this section was amended by 1997 Wisconsin Act 191, but this has no substantive effect on the remedial change we are seeking.
3. Section 7 of the bill: the existing language affected by this section was amended by 1997 Wisconsin Act 307, but this has no substantive effect on the remedial change we are seeking.

ITEM II In addition, the Department requests that the Law Revision Committee introduce a proposal to change the term "handicap" to "disability" throughout Chapter 230 of the Statutes, which is the primary statutory chapter affecting Department of Employment Relations. Attachment 2 explains this request in more detail.

attachments



AN EQUAL OPPORTUNITY EMPLOYER



ATTACHMENT 2

PURPOSE

Change all references in Chapter 230, Wisconsin Statutes, from "handicap" to "disability".

RECOMMENDED CHANGES

The term "handicap" should be replaced with the word "disability", or the appropriate variant thereof, in the following sections of ch. 230:

- 230.01 (2)
- 230.03 (2) (b)
- 230.04 (10) (b)
- 230.08 (7)
- 230.16 (6)
- 230.17 (2)
- 230.18
- 230.19 (2)
- 230.25 (1n) (a) 3
- 230.25 (1n) (b)
- Plus, any other references to "handicap" or "handicapped" which are not listed above, with the exception of s. 230.046 (5)(d), where the term is used with a different meaning.

REASONS FOR CHANGE

1. The term "disability" is the preferred and widely accepted term when referring to individuals with a disability.
2. 1997 Wisconsin Act 112, a remedial bill offered by the Department of Workforce Development (DWD), has already changed several references in Ch. 230 from "handicap" to "disability" where there was a cross-reference to the definitions used by DWD under the Fair Employment Law in ch. 111.
3. Chapter 230, in all the provisions relating to veterans preference points, already uses the term "disabled" to refer to veterans with a service-connected disability.
4. Chapter 230 already refers to "severely disabled employees" in s. 230.04 (9r) in referring to maintaining data on the number of severely disabled employees.
5. There should be consistency within Chapter 230 and with other personnel-related laws (e.g. the Fair Employment Law) when using the term "disability". The use of two different terms can cause confusion about the applicability of statutes to individuals.
6. There will be no substantive effect on personnel policies or the application of Ch. 230 provisions if this change is made. No definitions would be changed.

ESTIMATED FISCAL EFFECT

None



D Note
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0905/P1

RAC:.....

119

Law Revision

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

- 1 **AN ACT ...; relating to:** changing certain terminology in laws affecting the state
- 2 civil service system (suggested as remedial legislation by the department of
- 3 employment relations)

Analysis by the Legislative Reference Bureau

Currently, in laws affecting the state civil service, a person with a disability is referred to as having a "handicap" or as being "handicapped". This bill substitutes the word "disability" or the word "disabled" for the word "handicap" or the word "handicapped".

*INSERT
B*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of employment relations and introduced by the law revision committee under s. 13.83(1)(c) 4. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

- 4 **SECTION 1.** 15.177 (1) (a) ^X of the statutes is amended to read:
- 5 15.177 (1) (a) There is created in the department of employment relations a
- 6 council on affirmative action consisting of 15 members appointed for 3-year terms.

1 A majority of the members shall be public members and a majority of the members
2 shall be minority persons, women and persons with a ~~handicap~~ disability [✓] appointed
3 with consideration to the appropriate representation of each group.

History: 1977 c. 196, 418; 1983 a. 27.

4 **SECTION 2.** 230.01 (2) [✓] of the statutes is amended to read:

5 230.01 (2) It is the policy of the state and the responsibility of the secretary and
6 the administrator to maintain a system of personnel management which fills
7 positions in the classified service through methods which apply the merit principle,
8 with adequate civil service safeguards. It is the policy of this state to provide for
9 equal employment opportunity by ensuring that all personnel actions including hire,
10 tenure or term, and condition or privilege of employment be based on the ability to
11 perform the duties and responsibilities assigned to the particular position without
12 regard to age, race, creed or religion, color, ~~handicap~~ disability [✓], sex, national origin,
13 ancestry, sexual orientation or political affiliation. It is the policy of this state to take
14 affirmative action which is not in conflict with other provisions of this chapter. It is
15 the policy of the state to ensure its employees opportunities for satisfying careers and
16 fair treatment based on the value of each employee's services. It is the policy of this
17 state to encourage disclosure of information under subch. III and to ensure that any
18 employee employed by a governmental unit is protected from retaliatory action for
19 disclosing information under subch. III. It is the policy of this state to correct pay
20 inequities based on gender or race in the state civil service system.

History: 1977 c. 196; 1981 c. 112; 1983 a. 409; 1985 a. 29, 1987 a. [✓]2.

21 **SECTION 3.** 230.03 (2) (b) of the statutes is amended to read:

22 230.03 (2) (b) Eliminating a substantial disparity between the proportion of
23 members of racial and ethnic, gender or ~~handicap~~ disabled [✓] groups either in job
24 groups within the classified civil service, or in similar functional groups in the

1 unclassified service, and the proportion of members of racial and ethnic, gender or
2 handicap groups in the relevant labor pool.

History: 1971 c. 270; 1973 c. 333; 1977 c. 196 ss. 24, 100; 1977 c. 418; 1981 c. 20, 26; 1983 a. 27 ss. 1604, 2200 (15); 1983 a. 409, 453, 538; 1987 a. 32; 1989 a. 31; 1991 a. 101, 147; 1993 a. 16, 254; 1995 a. 27, 255; 1997 a. 27.

3 **SECTION 4.** 230.04 (10) (b) of the statutes is amended to read:

4 230.04 (10) (b) The secretary shall request from each agency and each agency
5 shall furnish to the secretary relevant racial, ethnic, gender and handicap disability
6 information on every new employee hired by the agency including limited term,
7 project, seasonal and sessional employees. The secretary shall maintain the data to
8 permit a periodic review of the agency's affirmative action plan accomplishments.

History: 1977 c. 196 ss. 48, 63, 101, 130 (11); 1977 c. 418, 447; 1981 c. 20; 1983 a. 27, 409; 1987 a. 27, 32, 140, 403; 1989 a. 31, 124; 1991 a. 101, 269, 288, 315; 1995 a. 289; 1997 a. 27.

9 **SECTION 5.** 230.08 (7) of the statutes is amended to read:

10 230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. The administrator shall
11 provide, by rule, for exceptional methods and kinds of employment to meet the needs
12 of the service during periods of disaster or national emergency, and for other
13 exceptional employment situations such as to employ the mentally handicapped
14 disabled, the physically handicapped and the disadvantaged.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 346, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237.

15 **SECTION 6.** 230.16 (6) of the statutes is amended to read:

16 230.16 (6) If any applicant is unable to complete the examination in the form
17 presented to the applicant due to a handicap disability, the division shall provide a
18 reader, an appropriate place to take the examination or other similar prerequisites
19 to ensure equality of opportunity in the examination.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307.

20 **SECTION 7.** 230.17 (2) of the statutes is amended to read:

21 230.17 (2) If the administrator refuses to examine an applicant, or after an
22 examination to certify an eligible, as provided in this section, the administrator, if

1 requested by the applicant so rejected within 10 days of the date of receipt of the
2 notice of rejection, shall give the applicant a full and explicit statement of the exact
3 cause of such refusal to examine or to certify. Applicants may appeal to the
4 commission the decision of the administrator to refuse to examine or certify under
5 s. 230.44 (1) (a). Upon request of an applicant or an eligible for a civil service position
6 who has a ~~handicap~~ disability,[✓] the department of health and family services shall
7 obtain from the administrator a detailed description of all duties entailed by such
8 position and shall determine and report its findings to the administrator, as to the
9 ability of the applicant, or eligible, to perform the duties of such position. Such
10 findings shall be conclusive as to the qualifications of any applicant, or eligible, so
11 examined. A notice of rejection shall notify an applicant or eligible of his or her rights
12 under this subsection.

History: 1971 c. 270; 1977 c. 196 ss. 42, 130 (5); Stat. ~~1977~~[✓] s. 230.17; 1983 a. 453; 1995 a. 27 s. 9126 (19).

13 **SECTION 8.** 230.18 of the statutes is amended to read:

14 **230.18 Discrimination prohibited.** No question in any form of application
15 or in any examination may be so framed as to elicit information concerning the
16 partisan political or religious opinions or affiliations of any applicant nor may any
17 inquiry be made concerning such opinions or affiliations and all disclosures thereof
18 shall be discountenanced except that the administrator may evaluate the
19 competence and impartiality of applicants for positions such as clinical chaplain in
20 a state institutional program. No discriminations may be exercised in the
21 recruitment, application, examination or hiring process against or in favor of any
22 person because of the person's political or religious opinions or affiliations or because

1 of age, sex, ~~handicap~~ disability✓, race, color, sexual orientation, national origin or
2 ancestry except as otherwise provided.

3 History: 1971 c. 270; 1977 c. 196 s. 43; Stats. 1977 s. 230.18; 1981 c. 112, 391.

3 **SECTION 9.** 230.19 (2) of the statutes is amended to read:

4 230.19 (2) If, in the judgment of the administrator, the group of applicants best
5 able to meet the requirements for vacancies in positions in the classified service are
6 available within the classified service, the vacancies shall be filled by competition
7 limited to persons in the classified service who are not employed under s. 230.26 or
8 230.27 and persons with the right of restoration resulting from layoff under s. 230.34
9 (2), unless it is necessary to go outside the classified service to be consistent with an
10 approved affirmative action plan or program. The administrator may also limit
11 competition for promotion to the employees of an agency or an employing unit within
12 an agency if the resulting group of applicants would fairly represent the proportion
13 of members of racial and ethnic, gender or ~~handicap~~ disabled✓ groups in the relevant
14 labor pool for the state.

15 History: 1971 c. 270 s. 50; 1977 c. 196 ss. 44, 112; 1983 a. 402; 1987 a. 32; 1989 a. 31.

15 **SECTION 10.** 230.25 (1n) (a) 3. of the statutes is amended to read:

16 230.25 (1n) (a) 3. Certifying up to 3 names of persons with a ~~handicap~~
17 disability✓.

18 History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307.

18 **SECTION 11.** 230.25 (1n) (b) of the statutes is amended to read:

19 230.25 (1n) (b) The administrator may certify names under par. (a) 1. or 2. only
20 if an agency requests expanded certification in order to comply with an approved
21 affirmative action plan or program. The administrator may certify names under par.

- 1 (a) 3. only if an agency requests expanded certification in order to hire persons with
2 a ~~handicap~~ disability. ✓

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307.

3

(END) ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0905/P1dn

RAC:.....

jl9

Laura:

I also changed the reference to "handicap" in s. 15.177 (1) (a). [✓]is this OK?

Richard A. Champagne
Legislative Attorney
266-9930

1999

LAW REVISION COMMITTEE

INSERTS

LRB _____ / _____
_____ : _____ : _____

In the **text area** at the exact spot in the relating clause where you want the text:

Execute: create → inline → relate: → lrc

(suggested as remedial legislation by the
.....
.....)*

In the component bar, for the LRC NOTE for the analysis:

Execute: create → anal: → lrcnote

INS
B → For further information, see the NOTES provided by the law revision committee of the joint legislative council.

In the component bar, for the LAW REVISION COMMITTEE PREFATORY NOTE:

Execute: create → note: → lrc

LAW REVISION COMMITTEE PREFATORY NOTE: [This bill is a remedial legislation proposal, requested by the
.....
..... and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats.] [This bill is introduced by the law revision committee under s. 13.83 (1) (c) 4., stats.]* After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

* For bills resulting from case and opinion reviews by the revisor of statutes under s. 13.93 (2) (d), stats., omit the parenthetical material from the relating clause and use the 2nd bracketed sentence in the NOTE in lieu of the first bracketed sentence.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0905/P1dn
RAC:jlq:km

November 30, 1998

Laura:

I also changed the reference to "handicap" in s. 15.177 (1) (a). Is this OK?

Richard A. Champagne
Legislative Attorney
266-9930

MEMORANDUM

from LAURA ROSE
Legislative Council Staff
(608) 266-9791
laura.rose@legis.state.wi.us

5-7-99

Rick,

The Law Revision Committee
approved this draft for
introduction.

Please insert the notes
where indicated, and have
jacketed for introduction
(Senate).

Call if questions.

Thanks!

Jane



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0905/D1

RAC:jlg:km

R.M. has

been run

Scan

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

- 1 AN ACT to amend 15.177 (1) (a), 230.01 (2), 230.03 (2) (b), 230.04 (10) (b), 230.08
2 (7), 230.16 (6), 230.17 (2), 230.18, 230.19 (2), 230.25 (1n) (a) 3. and 230.25 (1n)
3 (b) of the statutes; relating to: changing certain terminology in laws affecting
4 the state civil service system (suggested as remedial legislation by the
5 department of employment relations).

Analysis by the Legislative Reference Bureau

Currently, in laws affecting the state civil service, a person with a disability is referred to as having a "handicap" or as being "handicapped". This bill substitutes the word "disability" or the word "disabled" for the word "handicap" or the word "handicapped".

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of employment relations and introduced by the law revision committee under s. 13.83 (1)(c) 4. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 15.177 (1) (a) of the statutes is amended to read:

2 15.177 (1) (a) There is created in the department of employment relations a
3 council on affirmative action consisting of 15 members appointed for 3-year terms.
4 A majority of the members shall be public members and a majority of the members
5 shall be minority persons, women and persons with a ~~handicap~~ disability appointed
6 with consideration to the appropriate representation of each group.

7 **SECTION 2.** 230.01 (2) of the statutes is amended to read:

8 230.01 (2) It is the policy of the state and the responsibility of the secretary and
9 the administrator to maintain a system of personnel management which fills
10 positions in the classified service through methods which apply the merit principle,
11 with adequate civil service safeguards. It is the policy of this state to provide for
12 equal employment opportunity by ensuring that all personnel actions including hire,
13 tenure or term, and condition or privilege of employment be based on the ability to
14 perform the duties and responsibilities assigned to the particular position without
15 regard to age, race, creed or religion, color, ~~handicap~~ disability, sex, national origin,
16 ancestry, sexual orientation or political affiliation. It is the policy of this state to take
17 affirmative action which is not in conflict with other provisions of this chapter. It is
18 the policy of the state to ensure its employees opportunities for satisfying careers and
19 fair treatment based on the value of each employee's services. It is the policy of this
20 state to encourage disclosure of information under subch. III and to ensure that any
21 employee employed by a governmental unit is protected from retaliatory action for
22 disclosing information under subch. III. It is the policy of this state to correct pay
23 inequities based on gender or race in the state civil service system.

24 **SECTION 3.** 230.03 (2) (b) of the statutes is amended to read:

1 230.03 (2) (b) Eliminating a substantial disparity between the proportion of
2 members of racial and ethnic, gender or ~~handicap~~ disabled groups either in job
3 groups within the classified civil service, or in similar functional groups in the
4 unclassified service, and the proportion of members of racial and ethnic, gender or
5 handicap groups in the relevant labor pool.

6 **SECTION 4.** 230.04 (10) (b) of the statutes is amended to read:

7 230.04 (10) (b) The secretary shall request from each agency and each agency
8 shall furnish to the secretary relevant racial, ethnic, gender and ~~handicap~~ disability
9 information on every new employe hired by the agency including limited term,
10 project, seasonal and sessional employes. The secretary shall maintain the data to
11 permit a periodic review of the agency's affirmative action plan accomplishments.

12 **SECTION 5.** 230.08 (7) of the statutes is amended to read:

13 230.08 (7) **EXCEPTIONAL EMPLOYMENT SITUATIONS.** The administrator shall
14 provide, by rule, for exceptional methods and kinds of employment to meet the needs
15 of the service during periods of disaster or national emergency, and for other
16 exceptional employment situations such as to employ the mentally ~~handicapped~~
17 disabled, the physically handicapped and the disadvantaged.

18 **SECTION 6.** 230.16 (6) of the statutes is amended to read:

19 230.16 (6) If any applicant is unable to complete the examination in the form
20 presented to the applicant due to a ~~handicap~~ disability, the division shall provide a
21 reader, an appropriate place to take the examination or other similar prerequisites
22 to ensure equality of opportunity in the examination.

23 **SECTION 7.** 230.17 (2) of the statutes is amended to read:

24 230.17 (2) If the administrator refuses to examine an applicant, or after an
25 examination to certify an eligible, as provided in this section, the administrator, if

1 requested by the applicant so rejected within 10 days of the date of receipt of the
2 notice of rejection, shall give the applicant a full and explicit statement of the exact
3 cause of such refusal to examine or to certify. Applicants may appeal to the
4 commission the decision of the administrator to refuse to examine or certify under
5 s. 230.44 (1) (a). Upon request of an applicant or an eligible for a civil service position
6 who has a ~~handicap~~ disability, the department of health and family services shall
7 obtain from the administrator a detailed description of all duties entailed by such
8 position and shall determine and report its findings to the administrator, as to the
9 ability of the applicant, or eligible, to perform the duties of such position. Such
10 findings shall be conclusive as to the qualifications of any applicant, or eligible, so
11 examined. A notice of rejection shall notify an applicant or eligible of his or her rights
12 under this subsection.

13 **SECTION 8.** 230.18 of the statutes is amended to read:

14 **230.18 Discrimination prohibited.** No question in any form of application
15 or in any examination may be so framed as to elicit information concerning the
16 partisan political or religious opinions or affiliations of any applicant nor may any
17 inquiry be made concerning such opinions or affiliations and all disclosures thereof
18 shall be discountenanced except that the administrator may evaluate the
19 competence and impartiality of applicants for positions such as clinical chaplain in
20 a state institutional program. No discriminations may be exercised in the
21 recruitment, application, examination or hiring process against or in favor of any
22 person because of the person's political or religious opinions or affiliations or because
23 of age, sex, ~~handicap~~ disability, race, color, sexual orientation, national origin or
24 ancestry except as otherwise provided.

25 **SECTION 9.** 230.19 (2) of the statutes is amended to read:

1 230.19 (2) If, in the judgment of the administrator, the group of applicants best
2 able to meet the requirements for vacancies in positions in the classified service are
3 available within the classified service, the vacancies shall be filled by competition
4 limited to persons in the classified service who are not employed under s. 230.26 or
5 230.27 and persons with the right of restoration resulting from layoff under s. 230.34
6 (2), unless it is necessary to go outside the classified service to be consistent with an
7 approved affirmative action plan or program. The administrator may also limit
8 competition for promotion to the employees of an agency or an employing unit within
9 an agency if the resulting group of applicants would fairly represent the proportion
10 of members of racial and ethnic, gender or ~~handicap disabled~~ groups in the relevant
11 labor pool for the state.

12 **SECTION 10.** 230.25 (1n) (a) 3. of the statutes is amended to read:

13 230.25 (1n) (a) 3. Certifying up to 3 names of persons with a ~~handicap~~
14 disability.

15 **SECTION 11.** 230.25 (1n) (b) of the statutes is amended to read:

16 230.25 (1n) (b) The administrator may certify names under par. (a) 1. or 2. only
17 if an agency requests expanded certification in order to comply with an approved
18 affirmative action plan or program. The administrator may certify names under par.
19 (a) 3. only if an agency requests expanded certification in order to hire persons with
20 a ~~handicap~~ disability.

21 (END)

on set
5-21

*Section Note to LRB-0905/P1, Remedial Legislation Requested by
the Department of Employment Relations*

LRBs0905/1: Insert after SECTION 11:

NOTE: Currently, in ch. [✓]230, ~~stats.~~, relating to employment relations, the term "handicap" and variants of that term are frequently used in referring to persons with disabilities. However, in 1997 Wisconsin Act 112, remedial legislation requested by the department of workforce development, several references in ch. 230 were changed from "handicap" to "disability", where there was a cross-reference to definitions used in ch. 230 by the department of workforce development under the Fair Employment Law in ch. 111, [✓]stats. This draft changes the remaining uses of the term "handicap" and variants of that term in ch. 230 to the term "disability" and variants of that term, for the purposes of consistency within ch. 230, ~~stats.~~

(end ins)

INS
5-21